

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HENDRIX M. MONTECASTRO,

Plaintiff,

v.

RALPH DIAZ, et al.,

Defendants.

Case No. 1: 20-cv-00977-JLT-HBK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATION

(Doc. 12)

Hendrix Montecastro, who is proceeding pro se is a state prisoner who initiated this civil rights action. (*See generally* Doc. 1.) The assigned magistrate judge found Plaintiff failed to comply with a Court order and failed to prosecute this matter. (Doc. 12) Specifically, Plaintiff violated Local Rule 183(b) by failing to keep the Court apprised of a current address. (*Id.*) Thus, the magistrate judge recommended the action be dismissed without prejudice. (*Id.* at 3.)

The Findings and Recommendations were served upon Plaintiff at the address on record on June 12, 2023. It contained a notice that any objections were to be filed within 14 days. (*Id.* at 3.) In addition, Plaintiff was informed the “failure to file objections within the specified time may result in the waiver of rights on appeal.” (*Id.*) (citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014), *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) On June 20, 2023, the findings and recommendations were returned as undeliverable with the notion that they were

1 “[u]ndeliverable, [n]o [m]ail [r]eceptacle.”¹ To date, no objections have been filed and the time to
2 do so has expired.

3 According to 28 U.S.C. § 636(b)(1)(C), the Court conducted a de novo review of this
4 case. Having carefully reviewed the entire file, the court concludes that the findings and
5 recommendation are supported by the record and proper analysis.

6 Thus, the Court **ORDERS**:

- 7 1. The Findings and Recommendations issued on June 12, 2023 (Doc. 12) are
8 **ADOPTED** in full.
9 2. This action is **DISMISSED** without prejudice.
10 3. The Clerk of Court is directed to close this case.

11
12 IT IS SO ORDERED.

13 Dated: **July 9, 2023**


UNITED STATES DISTRICT JUDGE

27
28 ¹ Absent notice of a party’s change of address, service of documents at the prior address of the party is fully effective. Local Rule 182(f).